

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTONIO VENTURA, No. C 08-05629 CW (PR)  
Petitioner, ORDER OF TRANSFER  
v.  
WARDEN D. K. SISTO, et al.,  
Respondents.

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Petitioner, a state prisoner, has filed a pro se petition for a writ of habeas corpus in which he challenges the execution of his sentence. He has paid the \$5.00 filing fee.

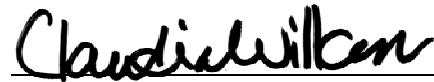
A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time

1 credit claims, the district of confinement is the preferable forum.  
2 See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th  
3 Cir. 1989).

4       Petitioner is incarcerated at California State Prison -  
5 Solano, which lies within the venue of the Eastern District of  
6 California. See 28 U.S.C. § 84. Because Petitioner challenges the  
7 execution of his sentence, the Court hereby ORDERS that pursuant to  
8 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests  
9 of justice, this petition be TRANSFERRED to the United States  
10 District Court for the Eastern District of California.

11       IT IS SO ORDERED.

12       Dated: 6/24/09



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANTONIO VENTURA,

Plaintiff,

v.

D.K. SISTO et al,

Defendant.

Case Number: CV08-05629 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 24, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Antonio Ventura H-14763  
CSP- Solano  
P.O. Box 4000  
Vacaville, CA 95696-4000

Dated: June 24, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California